

**ORDINANCE NO. 17-**

**WHEREAS**, Prime Development, LLC, by Aaron J. Guthrie, as its Manager, has petitioned the governing body of the City of Huntsville, Alabama, requesting that certain property or territory be annexed to the City of Huntsville, Alabama; and

**WHEREAS**, said petition contains the signature of the owner of the property as the same is assessed for ad valorem tax purposes; and

**WHEREAS**, said property is contiguous to the present city limits of the City of Huntsville, Alabama, and does not lie within the corporate limits of any other municipality; and

**WHEREAS**, a map of said territory showing its relationship to the corporate limits of the City of Huntsville, Alabama, has been filed with the City Clerk-Treasurer; and

**WHEREAS**, it is the judgement and opinion of the City Council of the City of Huntsville, Alabama, that it is necessary and proper and in the public interest that said property be brought within the corporate limits of the City of Huntsville, Alabama;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Huntsville, Alabama, as follows;

1. That the City Council of the City of Huntsville, Alabama hereby assents to the annexation of certain property to the City of Huntsville, Alabama, which said property as hereinabove referenced is more particularly described as follows:

All that part of Section 19, Township 3 South, Range 2 West, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the center of the west boundary of Section 19; thence from the point of beginning and along the west boundary of said Section 19 South 00 degrees 10 minutes 00 seconds West 671.32 feet; thence leaving said boundary North 89 degrees 55 minutes 28 seconds East 40.00 feet to a point on the east right-of-way of Old Railroad Bed Road; thence along said right-of-way South 00 degrees 10 minutes 28 seconds West 359.98 feet; thence leaving said right-of-way North 89 degrees 55 minutes 32 seconds East 200.16 feet; thence North 89 degrees 58 minutes 12 seconds East 725.64 feet; thence South 89 degrees 58 minutes 19 seconds East 145.06 feet a point; said point is further described as the point of true beginning; thence from the point of true beginning North 89 degrees 56 minutes 38 seconds East 581.04 feet; thence North 00 degrees 05 minutes 41 seconds East 60.13 feet; thence North 00 degrees 10 minutes 33 seconds East 299.39; thence North 89 degrees 59 minutes 38 seconds East 1,078.14 feet to a point; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence South 00 degrees 49 minutes 54 seconds East 662.00 feet; thence leaving existing corporate limits North 89 degrees 20 minutes 13 seconds West 288.37 feet; thence South 89 degrees 57 minutes 08 seconds West 99.90 feet; thence South 89 degrees 51 minutes 06 seconds West 100.03 feet; thence South 89 degrees 59 minutes 18 seconds West 300.05 feet; thence South 89 degrees 51 minutes 43 seconds West 99.89 feet; thence North 89 degrees 56 minutes 05 seconds West 201.68 feet; thence South 89 degrees 57 minutes 03 seconds West 580.71 feet; thence North 00 degrees 09 minutes 14

**ORDINANCE NO. 17-\_\_\_\_\_**

seconds West 299.3 feet to the point of true beginning and containing 20.4 acres, more or less.

2. That the corporate limits of the City of Huntsville, Alabama, are hereby extended and rearranged so as to embrace and include the hereinafter property as part of the corporate area of the City of Huntsville.

3. That this ordinance shall become effective upon its publication as required by law.

4. That the Mayor and City Clerk-Treasurer of the City of Huntsville, Alabama, are hereby authorized, requested and directed for and on behalf of the governing body of the City to file a description of the property or territory herein annexed in the Judge of Probate Office of Madison County.

**ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
President of the City Council of  
the City of Huntsville, Alabama.

**APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

STATE OF ALABAMA  
COUNTY OF MADISON

PETITION FOR ANNEXATION TO THE CITY OF  
HUNTSVILLE, ALABAMA, UNDER ACT NO. 2228  
S.134, 1971 REGULAR SESSION

TO: The City Clerk-Treasurer of the City of Huntsville, Alabama

The undersigned, Prime Development, LLC, by Aaron J. Guthrie, as its Manager, hereby petitions the Mayor and City Council of the City of Huntsville, Alabama, to bring the hereinafter described property within the corporate limits of the City of Huntsville under the provisions of Act No. 2228, S. 134, of the 1971 Regular Session of the Legislature of Alabama. The undersigned respectfully requests that the property or territory hereinafter described be annexed to the City of Huntsville. I further certify that I have the right and authority to make and file this petition for annexation, that said property is contiguous to the existing corporate limits of the City of Huntsville, Alabama, which said City has a population of more than 2,000, and that said property does not lie within the corporate limits of any other municipality, and I do hereby respectfully petition the Mayor and City Council of the City of Huntsville to adopt an ordinance assenting to the annexation of said property to the City of Huntsville. I further certify that the property is assessed for ad valorem tax purposes in the name of Prime Development, LLC.

All that part of Section 19, Township 3 South, Range 2 West, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the center of the west boundary of Section 19; thence from the point of beginning and along the west boundary of said Section 19 South 00 degrees 10 minutes 00 seconds West 671.32 feet; thence leaving said boundary North 89 degrees 55 minutes 28 seconds East 40.00 feet to a point on the east right-of-way of Old Railroad Bed Road; thence along said right-of-way South 00 degrees 10 minutes 28 seconds West 359.98 feet; thence leaving said right-of-way North 89 degrees 55 minutes 32 seconds East 200.16 feet; thence North 89 degrees 58 minutes 12 seconds East 725.64 feet; thence South 89 degrees 58 minutes 19 seconds East 145.06 feet a point; said point is further described as the point of true beginning; thence from the point of true beginning North 89 degrees 56 minutes 38 seconds East 581.04 feet; thence North 00 degrees 05 minutes 41 seconds East 60.13 feet; thence North 00 degrees 10 minutes 33 seconds East 299.39; thence North 89 degrees 59 minutes 38 seconds East 1,078.14 feet to a point; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence South 00 degrees 49 minutes 54 seconds East 662.00 feet; thence leaving existing corporate limits North 89 degrees 20 minutes 13 seconds West 288.37 feet; thence South 89 degrees 57 minutes 08 seconds West 99.90 feet; thence South 89 degrees 51 minutes 06

seconds West 100.03 feet; thence South 89 degrees 59 minutes 18 seconds West 300.05 feet; thence South 89 degrees 51 minutes 43 seconds West 99.89 feet; thence North 89 degrees 56 minutes 05 seconds West 201.68 feet; thence South 89 degrees 57 minutes 03 seconds West 580.71 feet; thence North 00 degrees 09 minutes 14 seconds West 299.3 feet to the point of true beginning and containing 20.4 acres, more or less.

Attached hereto marked Exhibit A is a map of said territory showing its relationship to the corporate limits of the City of Huntsville, which said map is further identified as being entitled "Old Railroad Bed Property to be Annexed."

IN WITNESS WHEREOF, the undersigned have set their hand and seal the date herein indicated.

PRIME DEVELOPMENT, LLC

 (SEAL)  
By: Aaron J. Guthrie  
As its: Manager

STATE OF ALABAMA

COUNTY OF MADISON

I, Courtney Sloan, a Notary Public in and for said County in said State, hereby certify that Aaron J. Guthrie whose name as Manager of the Prime Development, LLC, a corporation, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation

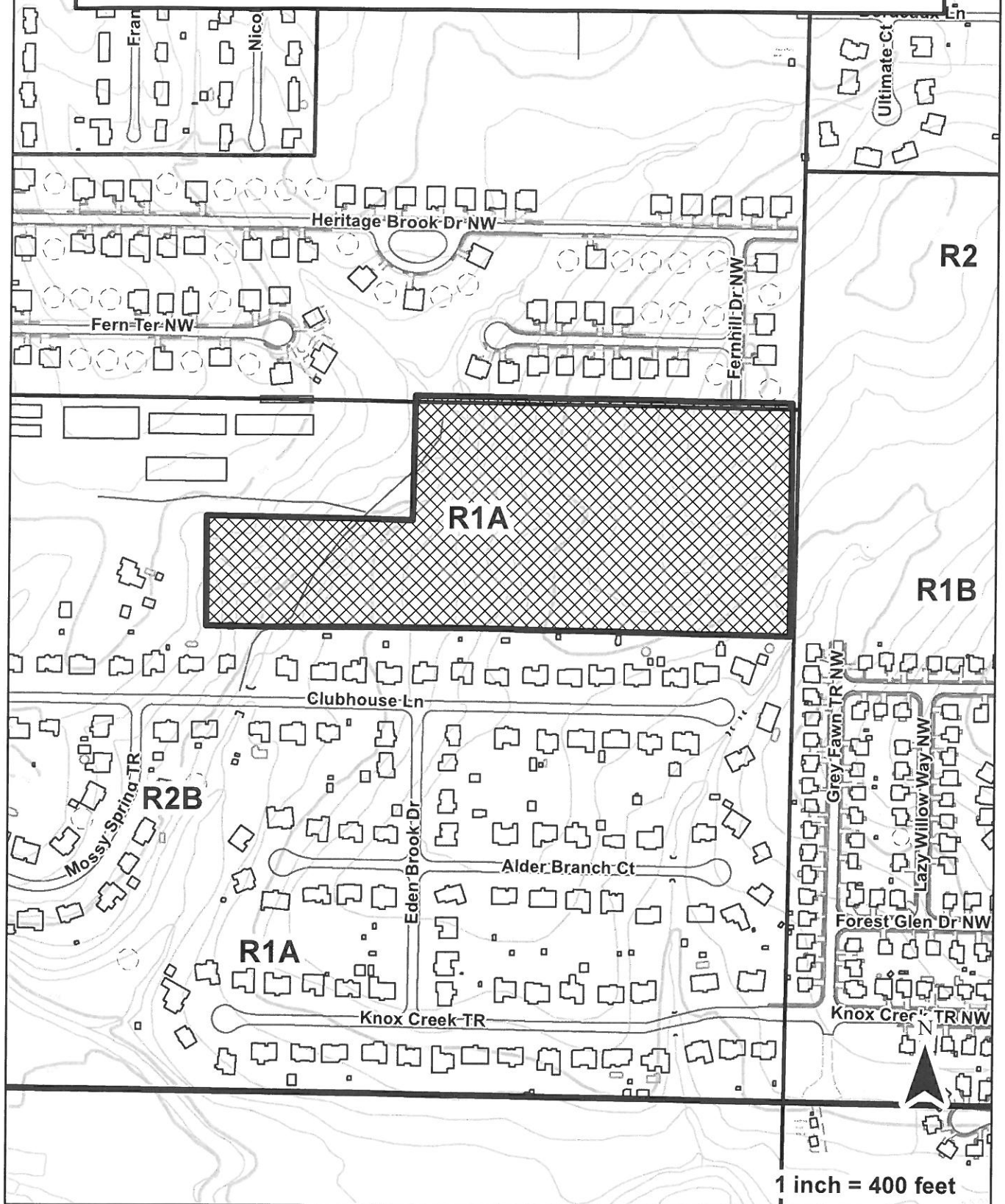
Given under my hand and official seal of office, this the 1<sup>st</sup> day of September, 2017.

  
NOTARY PUBLIC

**My Commisssion Expires 10-17-2020**



# EXHIBIT A: OLD RAILROAD BED PROPERTY TO BE ANNEXED



**ANNEXATION SUMMARY: OLD RAILROAD BED**

August 22, 2017

PETITIONER: Prime Development, LLC

LOCATION: East of Old Railroad Bed and south of Capshaw Road

Township 3 South, Range 2 West, Section 19

ACREAGE: 20.4 acres

REASON FOR  
REQUEST:

Future Residential Development  
(Adjacent to Heritage Estates Phase 3)

## **ANNEXATION GUIDELINES: OLD RAILROAD BED**

1. Annexations that would fill in or make more regular the existing corporate limits should be strongly encouraged.

WOULD CONTINUE ONGOING ANNEXATIONS IN THIS AREA

2. The remaining tax islands should be annexed when ownership changes and redevelopment occurs....

NOT A TAX ISLAND

3. Annexations of land in subdivisions....

NOT PART OF A SUBDIVISION

4. Corridors are discouraged....

NOT A CORRIDOR

5. Point-to-point annexations should be discouraged....

NOT A POINT-TO-POINT CONNECTION

6. Owners living on land expected to be annexed within the ninety-day period preceding a municipal election....

NO MUNICIPAL ELECTION AT TIME OF ANNEXATION

7. Land which is known to be contaminated should not be annexed until such danger has been mitigated.

NO KNOWN CONTAMINATION

8. The annexation of land that would contribute to the city's economic development through an increase in taxes....

RESIDENTIAL LAND

9. The city should require petitions for annexation referenda to satisfy additional conditions....

NOT A REFERENDA

10. City planners will explain to all annexation petitioners the policies under which services are provided.

POLICY STATEMENT SIGNED BY OWNER; COPY ATTACHED



**STATEMENT REGARDING  
PROVISION OF CITY SERVICES TO NEWLY ANNEXED LANDS**

City services will be provided to all newly annexed lands according to the same policies that already govern in Huntsville. This means that Huntsville police and fire departments will respond to calls; garbage and trash will be collected by city sanitation; and school children will attend city rather than county schools. Transportation for students attending the city schools will be the responsibility of their parents. All applicable city ordinances will be enforced including the implementation of zoning regulations. Please note that the National agency that established the rating schedule for fire insurance premiums (ISO) assigns a higher rate to property that is over 5 road miles from their responding fire station and/or over 1000 feet from a fire hydrant.

Water service is provided by Huntsville Utilities; however if the annexed land is already served by another water authority, the existing situation should be expected to continue until such time as development pressure or legal agreements between water authorities makes it feasible or possible for Huntsville Utilities to assume control of the water lines or extend new mains. The cost of main extensions usually are borne by the property owner.

Likewise, it has long been city policy to expand sanitary sewer service on a cost benefit basis. This policy applies to all land within the city regardless of its annexation date. In addition, the city has adopted a capital improvement plan to guide investment in infrastructure. In order for an area to be considered for road construction, drainage improvements, recreational or community facilities, new fire stations, or sanitary sewer extension, the area must be in the city and then must be prioritized according to need. Newly annexed land will be accorded the same consideration as other city lands.

Lastly, it is important to understand that those autonomous boards, agencies and utilities that have authority over the delivery of specific public services set their own policies and procedures.

\* \* \* \*

I have read the above statement governing the delivery of city services to lands annexed into the city of Huntsville, and I agree to these conditions as they may pertain to any of my lands that are annexed.

Petitioner Caron J. Mathis Date 8-17-17

Petitioner \_\_\_\_\_ Date \_\_\_\_\_